

OFF-SITE IMPACT OVERSIGHT REPORT

NEW MEXICO REGULATORY PROGRAM

Evaluation Year 2001

Prepared by

The Office of Surface Mining Reclamation and Enforcement

Albuquerque Field Office

I. Introduction

The Albuquerque Field Office (AFO) evaluated the effectiveness of the New Mexico Regulatory Program in protecting the environment and public from off-site impacts (prohibited by the New Mexico Program) resulting from surface coal mining and reclamation operations. Specific information on off-site impacts was collected and evaluated during the evaluation year.

The off-site resources that may be affected during mining and reclamation operations include the land, water, people, and structures. Water resources include surface and ground water quality and quantity. Fish and wildlife resources that may be impacted are included as part of water and land resources.

The types of impacts that may affect these resources include, but are not limited to blasting, land stability, and hydrologic impacts; unauthorized encroachments onto protected or non-permitted areas; and other impacts. An off-site impact is normally one that occurs outside the permit area. However, off-site impacts also may occur within a permit area but outside the approved disturbance area, such as an encroachment into a buffer zone or area prohibited from mining.

The off-site information that was collected, evaluated and reported was the number of observations made to evaluate off-site impacts, the number of impacts found, and the degree of impact. Additional information on each impact included the type of impact, the resource affected, the number of permits or mine sites with observed off-site impacts, the number of permits or mine sites with observed off-site impacts, and the number of permits or mines evaluated. Each impact may affect more than one resource, i.e., a blasting impact may affect both land and people.

Sources of information for this report include State inspection reports, notices of violation

(NOV), and civil penalty assessment data, OSM's ten-day-notices and inspection reports, citizen complaints, and special studies. All complete inspections, both State and Federal, and any partial inspection that specifically included an assessment of off-site areas was specifically considered an observation. Citizen complaints were used as a source of information; however, such complaints were considered observations only if impacts were identified by the State or OSM.

An off-site impact is any occurrence that has been identified and verified. An occurrence should have been noted in an NOV; however, off-site impacts that have not been the subject of an NOV can also be noted.

The degree and type of impact was obtained from the civil penalty assessment data. If an

impact was identified that was not subject to a civil penalty assessment, the reviewer assessed the degree and type of impact. The data indicates if the impact was minor, moderate, or major.

This report is independent from the annual report and is used as supporting documentation for the annual report. It includes detailed information on data collection, verification and analysis and draws conclusions on the effectiveness of the New Mexico Regulatory Program in preventing off-site impacts.

Off-Site Impacts:

II. Resources Affected

1. People

Two Citizen Complaints were filed with MMD during the evaluation year (EY). The Complaints were investigated. MMD found no violations of SMCRA or the New Mexico Regulatory Program.

2. Land

There was one documented effect on lands outside the permit areas of mines under the jurisdiction of MMD during EY-2001. A small amount of sediment was carried off the permit area at one surface mining operation. MMD issued a Notice of Violation and persuaded the operator to take immediate action to prevent any additional occurrences.

3. Water

There were no documented effects on water resources outside the permit areas of mines under the jurisdiction of MMD during EY-2001.

4. Structures

There were no documented effects on structures during EY-2001.

B. Reclamation Success:

MMD approved 1,243 acres for phase II bond release and 237 acres for phase III bond release during this evaluation period. This information is recorded in Table 5 of the 2001 Oversight Evaluation Report.